

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV222-01-MU

RONALD CANUPP,
Plaintiff,
v.
MILTON SHOAP, et al.,
Defendants.

ORDER

THIS MATTER is before this Court for an initial review of Plaintiff's Complaint pursuant to 42 U.S.C. § 1983, filed May 13, 2005.

Venue in a civil action based upon a federal question is proper in : 1) a judicial district where any defendant resides, if all defendants reside in the same State, 2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or 3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1331(b).

The Complaint lists Salisbury, North Carolina as the address for each Defendant. The Complaint does not indicate that any of the Defendants reside in the Western District of North Carolina. Moreover, the Complaint sets forth that the events of this lawsuit took place in Salisbury, North Carolina which is located in the Middle District of North Carolina.

Consequently, because the face of the Complaint does not support a finding that any of the

Defendants reside in the Western District of North Carolina and because the events that form the basis of the Complaint occurred in the Middle District of North Carolina, the Court will transfer Plaintiff's Complaint to the Middle District of North Carolina.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Complaint be TRANSFERRED to the United States District Court for the Middle District of North Carolina.

Signed: May 23, 2005



Graham C. Mullen
Chief United States District Judge

